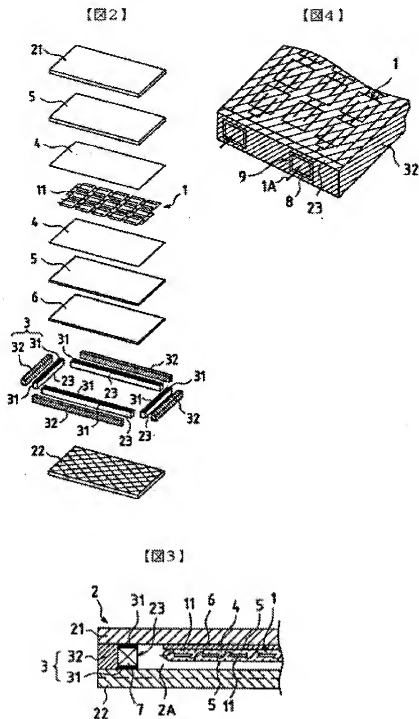


**REMARKS**

Reconsideration is requested.

Claims 1 and 11 have been amended, without prejudice, to further emphasize the disclosed invention. Support for the amendments is believed to be found throughout the specification and as described herein. No new matter is believed to have been added.

The Examiner has cited "Umemoto (JP 2001-213915)" as the basis of prior art rejections while listing the same on a PTO 892 as "Yoda JP2003026455A". The Examiner is requested to consistently cite the reference and to forward an English translation of the same to the applicants, to complete the record. The applicants note in this regard that the Examiner relies on Figures 2-4 and paragraphs 21, 26, 27 and 38, of the reference in the Office Action of April 25, 2008 while the only copy of the same in the record are the Japanese language text reproduced below:



【0021】本発明の太陽電池モジュールにおいて、耐候性封止処理に用いる透明充填材としては、エチレンビニールアセテートまたはポリビニールブチラルの透明樹脂が好ましい。また、耐候性・透光性フィルムとしては、ポリエチレンテレフタレートまたは弗素系の樹脂フィルムが好ましい。

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【0026】また、太陽電池セルの耐候性封止処理は、大型のラミネーター等の製造装置を使用せずに、小型のラミネーター等のみのを使用して製造することが可能で

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あるので、次のような作用効果を達成できる。

【0027】すなわち、従来の合わせガラス構造の太陽電池モジュールは、フロントカバーガラス、太陽電池セル列、充填材及びバックカバーガラスを大型のラミネーター等の製造装置によって一挙に圧力を掛けて充填材を硬化することにより製造されている。

【0038】太陽電池セル列1は、エチレンビニールアセテートまたはポリビニールブチラル等の透明充填材4と、ポリエチレンテレフタレートまたは弗素系の樹脂フィルム等の耐候性・透光性フィルム5にて耐候性封止処理されている。

The Examiner has only provided an English translation of the Abstract of the reference.

The Examiner is encouraged to either provide an English translation of the entire document, as is available to the Examiner according to MPEP §§ 901.05(b) and 707.05(e), or to cite to the U.S. Patent Office published equivalent US20030010378.

The Examiner is again requested to consider the following and acknowledge same by returning an initialed copy of the PTO 1449 Form listing the same which was filed August 7, 2007:

(1) Request for reexam in DE10231428.4-33 (Sharp) dated October 10, 2005 (9 pages), and

(2) File History of Serial No. 10/191,805 retrieved from PTO IFW August 7, 2007.

The Examiner has acknowledged consideration of US20030010378, which is the published form of Serial No. 10/191,805. See initialed PTO 1449 Form executed by the Examiner on February 6, 2008.

The Examiner has refused to consider the (1) Request for reexam in DE10231428.4-33 (Sharp) dated October 10, 2005 (9 pages), and (2) File History of Serial No. 10/191,805 retrieved from PTO IFW August 7, 2007 because "the non-patent documents ... is [sic] not available to the public." See page 2 of the Office Action dated April 25, 2008.

The Examiner appears to appreciate that a copy of each of the listed references was filed and is contained in the PTO IFW.

The Examiner is urged to appreciate that 37 CFR §§ 1.98(a)(2)(iv) and 1.98(d) allow for the submission of "information". Moreover, MPEP § 609.04(a) states that "Pending U.S. applications that are being cited can be listed under the non-patent literature section or in a new section appropriately labeled." As noted above, the cited file history of Serial No. 10/191,805 retrieved from the PTO IFW August 7, 2007 is a pending U.S. application which has also been published as US20030010378. There is

no requirement in the Law, Rules or MPEP that information cited for consideration by the Examiner be "available to the public." Moreover, the applicants note that the cited file history of Serial No. 10/191,805 retrieved from the PTO IFW August 7, 2007 is available to the public through the USPTO Public PAIR.

Moreover, if the Examiner is concerned that the public will not have access to the cited documents (i.e., (1) Request for reexam in DE10231428.4-33 (Sharp) dated October 10, 2005 (9 pages), and (2) File History of Serial No. 10/191,805 retrieved from PTO IFW August 7, 2007) through the PTO Public PAIR, then the Examiner should have the documents indexed as "Foreign References" in the PTO IFW for the present application.

Finally, the Examiner is requested to appreciate that the Patent Office has issued 236 U.S. Patents since 1976 which acknowledge the consideration of a "file history" under the listing of "Other References" on the face of the patent. The following is a listing of the first 10 patents retrieved in a "Quick Search" of U.S. Patents containing the phrase "file history" under "Other References":

PAT. NO.	Title
1 7,362,329	<u>T Occlusion culling for object-order volume rendering</u>
2 7,362,056	<u>T Plasma lamp with dielectric waveguide</u>
3 7,362,055	<u>T Plasma lamp with dielectric waveguide</u>
4 7,362,054	<u>T Plasma lamp with dielectric waveguide</u>
5 7,360,970	<u>T Composite masonry block</u>
6 7,358,678	<u>T Plasma lamp with dielectric waveguide</u>
7 7,357,312	<u>T System for associating identification and personal data for multiple magnetic stripe cards or other sources to facilitate a transaction and related methods</u>
8 7,353,367	<u>T System and software for catenated group shift instruction</u>
9 7,349,956	<u>T System and method for accessing and operating personal computers remotely</u>

10 7,348,732 **T** Plasma lamp with dielectric waveguide

The above is persuasive evidence that the citation of a U.S. patent application file history as a reference or information for the Examiner's consideration is appropriate. The Examiner is requested to acknowledge consideration of the previously-filed file history by return of an initialed copy of the previously-filed PTO 1449 Form listing the same, pursuant to MPEP § 609.

As for the citation of the Request for reexam in DE10231428.4-33 (Sharp) dated October 10, 2005 (9 pages), the Examiner is requested to see the face of, for example, the above-listed U.S. Patent No. 7,362,055 wherein all manner of "information" has been considered by the Examiner, including interference papers of a death certificate, obituaries, teleconference transcripts and e-mails. Moreover, the Patent Office has issued the following seven (7) U.S. Patents since 1976 which acknowledge the consideration of a "request for reexam" under the listing of "Other References" on the face of the patent:

- | PAT.<br>NO.        | Title  |
|--------------------|--|
| 1 <u>6,729,620</u> | <b>T</b> <u>Methods for providing a jackpot component in a casino game in which an initial set of cards and additional cards are dealt</u> |
| 2 <u>6,402,150</u> | <b>T</b> <u>Methods for providing a jackpot component in a casino game in which an initial set of cards are dealt</u>                      |
| 3 <u>6,375,189</u> | <b>T</b> <u>Methods for providing a jackpot component in a casino game in which an initial set of cards and additional cards are dealt</u> |
| 4 <u>6,336,859</u> | <b>T</b> <u>Method for progressive jackpot gaming</u>  |
| 5 <u>6,234,895</u> | <b>T</b> <u>Methods of progressive jackpot gaming</u>  |
| 6 <u>6,206,374</u> | <b>T</b> <u>Methods of playing poker games</u>   |
| 7 <u>6,070,878</u> | <b>T</b> <u>Apparatus for progressive jackpot gaming</u>   |

The above is persuasive evidence that the citation of a request for reexam as a reference or information for the Examiner's consideration is appropriate. The Examiner is requested to acknowledge consideration of the previously-filed file history by return of an initialed copy of the previously-filed PTO 1449 Form listing the same, pursuant to MPEP § 609.

For completeness, the applicants note that the following four (4) U.S. Patents have issued since 1976 wherein "unpublished" documents have been cited to the Patent Office and considered by Examiners:

- | PAT.<br>NO. | Title   |
|-------------|---|
| 1 7,117,754 | <u>T Torque ripple sensor and mitigation mechanism</u>  |
| 2 6,476,608 | <u>T Combining seismic waves with seismoelectrics to perform prospecting and measurements</u> |
| 3 5,987,388 | <u>T Automated extraction of fault surfaces from 3-D seismic prospecting data</u>             |
| 4 4,827,482 | <u>T Phase-locked semiconductor laser arrays</u>  |

Return of a completely initialed copy of the previously-filed PTO 1449 Form is requested.

The Interview Summary of April 25, 2008 is accurate in its brief description of the issues discussed during the teleconference.

Claims 1-16 are pending.

The Section 102 rejection of claims 1-4 and 6-16 over Umemoto (JP 2001-213915), is traversed. Reconsideration and withdrawal of the rejection are requested in view of the following distinguishing comments.

As noted above, the cited reference has been listed on the Examiner's PTO 892 as JP2003026455. The Examiner is requested to cite references with consistency for clarity of the record. The Examiner is requested to either only rely on the English translation of the Abstract of the reference provided by the Examiner or to provide an English translation of the cited reference or to rely on and cite to the equivalent U.S. Patent Application Publication No. 2003/0010378, published January 16, 2003, which claims benefit of the cited JP 2001-213915 as an English translation,

The Examiner is again requested to appreciate that the first "plate" and second "plate" of the claimed invention are not anticipated by the cited art as the structures of the cited art relied on by the Examiner do not contain a corresponding structure. Specifically, the "first plate member (5)" cited by the Examiner from Figure 2 of the cited document (see page 3 of the Office Action dated April 25, 2008), is in fact consistently described in US20030010378 as a "**film**". See ¶[0058], line 4; ¶[0060], line 6; ¶[0061], line 5; and ¶[0075], lines 4-5 of US20030010378 (emphasis added). One of ordinary skill in the art will appreciate that the "plate" of the claimed invention is structurally distinct from the "film" of the cited art. While not believed to be necessary, the claims have been revised above to further distinguish the claims from the cited art. Withdrawal of the Section 102 rejection of claims 1-4 and 6-16 is requested as the cited art fails to teach each and every aspect of the claimed invention.

The present invention provides a photovoltaic module subassembly 20 having its front and rear surfaces sandwiched by a pair of plate members of resin 23 and 24, which, the applicants believe to be described in the specification at page 10, line 21 to



page 11, line 2, is relatively large in rigidity and also adequately flexible, and corresponds to a support member maintaining the geometry of subassembly 20 after subassembly 20 is fabricated. Accordingly, the pair of plate members of resin 23 and 24 are desirably of a thickness of a few millimeters. This can eliminate the necessity of bonding and thus fixing subassembly 20 to any of the paired plates of glass 11 and 12 in assembling subassembly 20 to the sealed insulating glass.

In contrast, the applicants believe that JP2001-213915 discloses a solar cell module subassembly having its front and rear surfaces sandwiched by a pair of weatherproofed film 5. The applicants believe that the film thickness of the film 5 of the cited art will be on the order of a few micrometers, which would not exhibit the supporting function of maintaining the geometry of the subassembly of the subassembly after it is fabricated. Accordingly, when the subassembly of the cited art is assembled to sealed insulating glass, the subassembly of the cited art must be fixed to one of the paired plates of glass with adhesive tape 6, as shown in Figures 1 or 3.

The applicants submit that the presently claimed requirement for plate members is believed to define over the cited art. That is, the Examiner is urged to appreciate that the present claims, such as claim 1, provide a module containing first and second "plate" members of resin adjacent to the light receiving and non-light receiving surfaces of the photovoltaic cells of the module. The specification, including the drawings, describe, for example, a photovoltaic subassembly (20 of the drawings) having its front and rear surfaces adjacent to or sandwiched by a pair of plate members of the above-mentioned "plate" members of resin (23 and 24 in the drawings). These "plate"

members are further described in the present specification, such as at page 10, line 21 through page 11, line 2, as being relatively rigid and also adequately flexible and to provide support to maintain the geometry of the subassembly (20) after fabrication of the subassembly. The "plates" of the claims eliminate the necessity of bonding and thus fixing subassembly (2) to the sealed insulating glass.

In contrast, the cited Yoda is understood to disclose a solar cell module subassembly having its front and rear surfaces sandwiched by a pair of weatherproofed film (5), which does not provide support and maintain the geometry of the subassembly after it is fabricated. Accordingly, when the subassembly is assembled to sealed insulating glass, the subassembly of Yoda must be fixed to one of paired plates of glass with adhesive tape (6), as shown in Figures 1 or 3 of the cited reference.

The claimed invention therefore is believed to be patentable over the cited document and withdrawal of the Section 102 rejection of claims 1-4 and 6-16 over JP 2001-213915 is requested.

The Section 103 rejection of claim 5 over JP 2001-213915 and Yaba (U.S. Patent No. 5,059,254), is traversed. Reconsideration and withdrawal of the rejection are requested as claim 5 which depends from claim 1 and includes all the details thereof, includes the requirement that the subassembly contains the "plates" described above. The module of claim 5 therefore would not have been obvious in view of the combination of JP 2001-213915 and Yaba. Withdrawal of the Section 103 rejection is requested.

YODA et al  
Appl. No. 10/780,696  
Atty. Ref.: 914-180  
Amendment After Final Rejection  
July 25, 2008

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned if anything further is required in this regard.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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